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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,758	05/31/2001	Sean M. McCullough	VIGN1250-1	6416

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EXAMINER	
PATEL, ASHOKKUMAR B	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/681,758	MCCULLOUGH, SEAN M.	
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are subject to examination.

Response to Arguments

2. Applicant's arguments filed June 24, 2004 have been fully considered but they are not persuasive for the following reasons:

a. In response to applicant's argument that "the Examiner has not shown that each of the claim limitations is present in the references. Consequently, the rejection must fail.", the claimed limitations taught by the references had been addressed previously as stated below. As indicated in the previous office action, the reference Cohen teaches to put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). (receiving a frame identifier and a network address at a first time; finding a record including the frame identifier, a second network address, and a second time, wherein the second time precedes the first time; and generating an entry for a table that includes the frame identifier, the first network address, the second network address, and a third time.) The reference Cohen also teaches that the invention can be implemented such that the gathered information from a web site visitor's sessions while the user is

using the web site can be sent to the server by using embedded objects. (page 2, para. [0027]). The claim limitations of "receiving a first frame identifier and a first network address at a first time" and "finding a record including the first frame identifier, a second network address, and a second time wherein the second time precedes the first time" also had been addressed as stated below in para. 2b and 2c.

b. In response to Applicant's argument that "Claim 1 recites receiving a first frame identifier and a first network address at a first time. Thus, the disclosed method of tracking movement between network addresses receives a first network address and a frame identifier which indicates a frame from which the request for the first network address was made. This frame identifier may be unique to the particular frame independent of a network address, as the method works substantially the same if the user has more than one copy of a browser application open at client computer 12. Each copy may have its own frame identifier, as generated by client computer 12. (Paragraph (00351)". Because Cohen and Gerace only disclose utilizing which pages are being accessed and the referring link (or URL) from which a user @ccessed a program, neither Cohen nor Gerace discloses receiving a frame identifier and a first network address at a first time as recited in Claim 1.", first of all, as stated in the previous office action, Examiner has admitted and still agrees that Cohen fails to teach receiving a first frame identifier and a first network address at a first time, since the reference Cohen itself has its limitations of gathering information from a web site visitor's sessions while the user is using the web site. Examiner also agrees and had recognized that this frame identifier may be unique to the particular frame independent of a network

address. That is why the reference Gerace's teachings are combined with the reference Cohen. The reference Gerace teaches "receiving a first frame identifier and a first network address at a first time" by teaching the program 31 which records the user's selections and his viewing activity which includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D.

c. In response to applicant's argument that "Claim 1 additionally recites finding a record including the first frame identifier, a second network address, and a second time wherein the second time precedes the first time. As mentioned above, neither Cohen nor Gerace using a frame identifier, consequently neither Cohen nor Gerace can disclose finding a record including the first frame identifier, a second network address and a second time. Additionally, Examiner asserts that Cohen teaches putting tracked data during a user's session in the appropriate structure. Applicant respectfully disagrees with the Examiner's assessment of Cohen. ", these arguments are pointed against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Also, as stated above, Examiner had recognized that this frame identifier may be unique to the particular frame independent of a network address. That is why the reference Gerace's teachings are combined with the reference Cohen. The reference Gerace teaches "receiving a first frame identifier and a first network address at a first time" by teaching the program 31 which records the

user's selections and his viewing activity which includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Although, both references teach gathering information on the user sessions, the reference Gerace teaches recording user session and user action history, in Figs. 3E and 3F respectively, which includes the components "referring link, start datetime, end datetime, computer ID, browser type, action datetime session ID, ordinal sequence identifier, page ID etc. as stated in the previous office action, and thus, the reference teaches "finding a record including the first frame identifier, a second network address, and a second time wherein the second time precedes the first time." The reference Cohen teaches putting the tracked data during a user's session in the appropriate structure as indicated in para. [0013] and stored in database as indicated in para. [0014] which is also substantiated by the reference Gerace.

d. In response to applicant's arguments that "Consequently, Cohen uses data structures and matrices to store the structure of a web site or statistical information, and these data structures and matrices of Cohen cannot function as the records recited by Claim 1, which include a first frame identifier, a second network address and a second-d time. Furthermore, neither Cohen nor Gerace mentions accessing a record continuing a second network address or a second time, wherein the second time precedes the first time." and "Claim 1 also recites generating an entry for a table, that includes the first frame identifier, the first network address, the second network address, and a third time. As discussed above neither Cohen nor Gerace discloses the use of a frame identifier as

asserted.", Examiner has provided the response for these arguments by including the reasons in above paragraph 2c.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (Pub. No. US 2002/0152237) (herein after Cohen) in view of Gerace (5, 991, 735).

Referring to claims 1, 2, 5 and 7,

The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the reference teaches that each entry in the database is made to record the user sessions

wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving a first frame identifier and a first network address at a first time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (frame identifiers and network addresses) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claim 3,

The reference Cohen teaches the claimed elements. (Fig. 1, [0014 – 0019]).

Referring to claim 4,

The reference Cohen teaches the claimed element. (Fig. 2, [0030]).

Referring to claim 6,

Keeping in mind the teachings of Cohen as stated above, the reference Cohen fails to teach network addressees owned by separate parties and, their ownerships and controls over each other as well as the report indicating that an user activated the

second network address from the first network address. The reference Gerace teaches that the program controller obtains sponsor submitted advertisements from module 75, and generate a screen view formatted according to user preferences. (col.5, lines 43-47). (the first network address is significantly owned or controlled by a first party, the second network address is significantly owned or controlled by a second party; the first party is not significantly owned or controlled by the second party, and the second party is not significantly owned or controlled by the first party). The reference also teaches that the viewing history that includes the referring link (a user activated the second network address from the first network address) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (wherein a user activated the second network address from the first network address) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claims 8, 9, 10 and 11,

The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to put the tracked data during user's session in the appropriate structure. [0013], and

stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). The reference also teaches displaying a first view to a user, wherein the first view includes a first frame having a first frame identifier and a second frame having a second frame identifier (Fig. 1, [0014 – 0019]). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving a first frame identifier and a first network address at a first time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (frame identifiers and network addresses) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet

web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claim 12,

Keeping in mind the teachings of Cohen as stated above, the reference also teaches the recording of users activities in different viewing sessions (Fig. 2). The reference also teaches an activation of an object from a frame that is a child frame of the parent frame. (Fig. 2, [003], Fig. 1, 0014, 0015-0019). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving frame identifiers and network addresses at a time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of

a viewing history of an user is recorded as an entry to a table with each referring links (frame identifiers and network addresses and objects activating these links and their associated addresses) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claims 13, 14, 17 and 19,

Claims 13, 14, 17 and 19 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claims 1, 2, 5 and 7. Therefore, the claims 13, 14, 17 and 19 are rejected for the reasons set forth for the claims 1, 2, 5 and 7.

Referring to claim 15,

Claim 15 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 3. Therefore, the claim 15 is rejected for the reasons set forth for the claim 3.

Referring to claim 16,

Claim 16 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing

system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 4. Therefore, the claim 16 is rejected for the reasons set forth for the claim 4.

Referring to claim 18,

Claim 18 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 6. Therefore, the claim 18 is rejected for the reasons set forth for the claim 6.

Referring to claims 20, 21, 22 and 23,

Claims 20, 21, 22 and 23 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claims 8, 9, 10 and 11. Therefore, the claims 20, 21, 22 and 23 are rejected for the reasons set forth for the claims 8, 9, 10 and 11.

Referring to claim 24,

Claim 24 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 12. Therefore, the claim 24 is rejected for the reasons set forth for the claim 12.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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